

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARCOS L. THOMAS, SR.,	:	Case No. 1:16-cv-473
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
STATE OF OHIO, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATIONS  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 4)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on May 31, 2106, submitted a Report and Recommendation. (Doc. 4). Plaintiff filed objections. (Doc. 6).<sup>1</sup>

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

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<sup>1</sup> Plaintiff's objections do not address the Magistrate Judge's legal analysis. Instead, Plaintiff essentially states that he believes personnel at the institution are reading his mail and disclosing his personal information. (Doc. 6 at 2). Plaintiff fears for his safety and therefore declines to provide additional factual information to the Court. (*Id.*) Instead, Plaintiff requests "to speak personally with someone" from Chambers. (*Id.*) However, Magistrate Judge Bowman recommends that certain named defendants be dismissed from the case because Plaintiff fails to state a legal claim against them (*i.e.*, the State of Ohio is immune from suit in federal court, defendants did not act under color of state law, and the theory of *respondeat superior* does not apply to Section 1983 claims). Accordingly, additional factual evidence would not change the legal analysis.

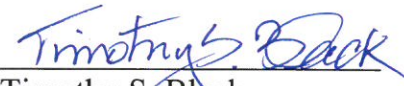
determine that such Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly Plaintiff's claims against the State of Ohio, the Department of Rehabilitation and Correction, the Southern Ohio Correctional Facility, inmate Hill, Gary Mohr, Cynthia Davis, Warden Donnie Morgan, and Major Warren are **DISMISSED** on the ground that Plaintiff failed to state a claim upon which relief may be granted.

Plaintiff may proceed with his Eighth Amendment failure to protect claim against Defendants Robinson, Colse, Cooper, McClendon, and Long.

**IT IS SO ORDERED.**

Date: 6/14/16

  
Timothy S. Black  
United States District Judge